

**RASHEL WHITE,**

**Plaintiff,**

**v.**

**CITY OF SEATTLE,**

and

**DOUG RAGUSO,** in his capacity as a police  
office for the City of Seattle, and as an  
individual.

and

**SCOTT LUCKIE,** in his capacity as a police  
officer for the City of Seattle, and as an  
individual.

**Defendants.**

No. \_\_\_\_\_

COMPLAINT FOR DAMAGES  
(JURY DEMAND)

1. This is a civil action seeking damages against the above-named defendants.

The civil claims include statutory causes of action and offenses committed under the

1 color of law resulting in a deprivation of the rights conferred by the Constitution and  
2 laws of the United States.

3 JURISDICTION AND VENUE

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5 2. This Court has personal and subject matter jurisdiction over the plaintiff's  
6 civil rights claim under Title 28, United States Code, § 1983, and Title 28, United  
7 States Code §§ 1331 and 1343(a)(3).

8 3. Venue is proper pursuant to Title 28 United States Code §1391

9 4. The acts and omission complained of herein occurred in Seattle Washington.

10 5. Plaintiff is a resident and citizen of the state of Washington.

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13 PARTIES

14 6. Plaintiff Rashel S. White is a citizen of the United States and a citizen and  
15 resident of the state of Washington.

16 7. Defendant City of Seattle is a municipality organized under the laws of the  
17 State of Washington. Defendant City of Seattle is sued directly under Title 42, United  
18 States Code § 1983 and under the doctrine of *respondeat superior*.

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20 8. At all times material to this complaint, defendant Doug Raguso was a police  
21 officer employed by Defendant City of Seattle. At all times material to this complaint,  
22 defendant Doug Raguso was an agent and employee of Defendant City of Seattle, and  
23 was acting within the scope of his employment with the City of Seattle, under color of  
24 the laws of the State of Washington.

1           9. Defendant Doug Raguso issued in his individual capacity and in his official  
2 capacity as an agent and employee of the City of Seattle.

3           10. At all times material to this complaint, defendant Scott Luckie was a police  
4 officer employed by Defendant City of Seattle. At all times material to this complaint,  
5 defendant, Scott Luckie, was an agent and employee of defendant City of Seattle, and  
6 was acting within the scope of his employment with City of Seattle, under color of the  
7 laws of the State of Washington.  
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9           11. Defendant Luckie is sued in his individual capacity and in his official  
10 capacity as an agent and employee of the City of Seattle.  
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12                                   **FACTUAL ALLEGATIONS**

13           12. On June 6, 2009 plaintiff, Rashel S. White and her significant other Robert  
14 Jefferson were working on their lawfully parked panel van truck.

15           13. Seattle Police Officer Scott Luckie responded as back-up, to 11<sup>th</sup> Ave and  
16 East Madison St., to a possible domestic violence call.

17           14. Upon arriving at the scene, Officer Luckie saw Robert Jefferson carrying  
18 what appeared to be the front bumper for an automotive vehicle.  
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20           15. Officer Luckie pulled his weapon upon exiting his vehicle and pointed it in  
21 the direction of Jefferson and Plaintiff White .

22           16. Officer Luckie assisted Office Raguso knocked the plaintiff to the ground  
23 and then proceeded assist in holding her down with unreasonable force to her back and  
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1 neck and ground her face into the pavement until her left cheek was cut, bleeding and  
2 embedded with pavement material.

3 17. Seattle Police Officer Raguso responded to 11<sup>th</sup> Ave and Madison Street to a  
4 possible domestic disturbance.  
5

6 18. Upon arriving at the scene he walked to Plaintiff White and told her to walk  
7 over to his location.

8 19. Plaintiff White had no idea why the police were confronting her and  
9 Jefferson, and she believed that given the number of officers who responded with guns  
10 drawn, that they were there for someone else. She was not informed at the scene why  
11 she was seized, and subsequently arrested.  
12

13 20. Defendant Raguso ordered her to place her hands on the hood of his car so  
14 that he could frisk her.

15 21. Raguso asked White whether she had any weapons, and she began to pat her  
16 pocket to see if she had her utility tool on her.  
17

18 22. At this point Raguso slammed White's face onto the hood of his car with  
19 significant force. Plaintiff White's hair was within the grasp of Officer Raguso. He  
20 pulled her head up. White arms were pinned back.

21 23. She was then pulled off the hood by her hair and her head was driven onto the  
22 pavement.  
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24 24. She could not prevent her face from slamming into the pavement because her  
25 hands were pinned behind her.  
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1 25. Parts of the pavement was embedded into her right cheek, and it was bleeding

2 26. Plaintiff was unarmed and no utility tool or knife was found.

3 27. Plaintiff did not pose a threat to the safety to the several officers who  
4 responded with sirens blasting, some with guns drawn.

5 28. Plaintiff White was cuffed, arrested and charged with assault and obstruction.

6 29. The force used by the officer was not necessary

7 30. Plaintiff was treated at the scene by Seattle Fire Department personnel with  
8 no follow-up.

9 31. For several days after this incident Plaintiff White was unable to move due to  
10 the injury to her neck.

11 32. The force used by the Officers caused multiple injuries.

12 33. The force used by the officers was unreasonable under the circumstances

13 34. Plaintiff White suffered the following injuries

14 (a) Abrasion of the left cheek

15 (b) Bruise/abrasion on her left upper arm

16 (c) Abrasion on her right knee abrasion on her right hand/wrist?

17 (d) Soreness and loss of movement in her neck.

18 35. Defendant City of Seattle failed to properly train defendants Raguso and  
19 Luckie.

1           36. Defendant City of Seattle failed to properly supervise Defendants, Raguso  
2 and Luckie.

3           37. As a result of the acts and omissions of the defendants, plaintiff suffered  
4 personal injuries including, but not limited to, bodily injury, pain and suffering, mental  
5 anguish, emotional distress, fear and other consequential damages.  
6

7                                   *FIRST CAUSE OF ACTION*  
8                                   *VIOLATION OF THE FOURTH AMENDMENT PROHIBITION*  
9                                   *AGAINST UNREASONABLE SEIZURES*

10           38. Plaintiffs hereby incorporate and realleges as if fully set forth herein each and  
11 every allegation of paragraphs 1-37.

12           39. The acts and omissions of defendants herein were done under color of state  
13 law, custom or usage.

14           40. Plaintiff Rashel White was seized, for purposes of the Fourth Amendment to  
15 the United State Constitution, by the acts and omissions of the defendants set forth  
16 herein.

17           41. To justify a seizure on less than probable cause, the Fourth amendment  
18 requires a reasonable, articulable suspicion, based on specific, objective facts, that the  
19 person seized has committed or is about to commit a crime.  
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21           42. The defendants did not have the requisite reasonable, articulable suspicion,  
22 based on specific facts, that Rashel White had committed any offense.

23           43. The “seizure” of White was invalid.  
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44. Rashel White had a federally-protected right, under the Fourth Amendment, not to be subject to an unreasonable seizure.

45. The acts and omissions of the defendants herein proximately caused the deprivation of Rashel White's Fourth Amendment rights

46. As a proximate result of the acts and omissions of the defendants and deprivation of plaintiff's Fourth Amendment rights, plaintiff suffered personal injuries as set forth hereinabove.

SECOND CAUSE OF ACTION:  
VIOLATION OF FOURTH AMENDMENT  
PROHIBITION AGAINST THE USE OF UNREASONABLE FORCE

47. Plaintiff hereby incorporates and realleges as if fully set forth herein each and every allegation of paragraphs 1-46.

48. The acts and omissions of defendants herein were done under color of state law, custom or usage.

49. Plaintiff Rashel White suffered unreasonable force by the defendants, for purposes of the Fourth Amendment to the United State Constitution, by the acts and omissions of the defendants set forth herein.

50. Rashel White had a federally-protected right, under the Fourth Amendment, not to be subjected to the use of unreasonable force against her person.

51. The acts and omissions of the defendants herein proximately caused the deprivation of the Fourth Amendment rights of Rashel White.

1           52. As a proximate result of the acts and omissions of the defendants and the  
2 deprivation of plaintiff's Fourth Amendment rights, plaintiff suffered personal injuries  
3 as set forth hereinabove.

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5                           THIRD CAUSE OF ACTION:  
6                           ASSAULT AND BATTERY

7           53. Plaintiffs hereby incorporate and realleges as if fully set forth herein each and  
8 every allegation of paragraphs 1-52.

9           54. Defendants Raguso and Luckie assaulted and battered plaintiff Rashel White.

10          55. Defendant City of Seattle is liable for the actions of the defendants Raguso  
11 and Luckie under the doctrine of *Respondeat Superior*.

12          56. As a direct, proximate and foreseeable result of the wrongful action described  
13 hereinabove, plaintiff has been damaged in an amount in excess of the minimum  
14 jurisdiction of this Court.

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16                           FOURTH CAUSE OF ACTION:  
17                           FALSE ARREST AND/OR PROSECUTION WITHOUT PROBABLE CAUSE IN  
18                           VIOLATION OF THE FOURTH AMENDMENT

19          57. Plaintiffs hereby incorporate and realleges as if fully set forth herein each and  
20 every allegation of paragraphs 1-56.

21          58. Defendants Raguso and Luckie detained plaintiff Rashel White without the  
22 required reasonable suspicion.

23          59. Defendants wrongfully prosecuted the Plaintiff for Obstruction and Assault.

24          60. Defendant City of Seattle is liable for the actions of the defendants Raguso  
25 and Luckie under the doctrine of *Respondeat Superior*.



62. Plaintiffs hereby incorporate and realleges as if fully set forth herein each and every allegation of paragraphs 1-61.

64. For the purposes of seizure herein, it was the policy, custom and practice of the Defendant City of Seattle to seize the Plaintiff without a warrant or probable cause, in violation of the Fourth Amendment rights of the Plaintiff, as set forth hereinabove.

66. It was further the policy of the Defendant City of Seattle, by and through its police department to approve, acquiesce, condone and ratify the unreasonable seizure herein in violation of the Fourth Amendment rights of the Plaintiff, as set forth hereinabove.

1           67. It was further the policy of the defendant City of Seattle, by and through its  
2 police department to approve, acquiesce, condone and ratify the unreasonable force  
3 used herein in violation of the Fourth Amendment rights of the Plaintiff, as set forth  
4 hereinabove.

5           68. For purposes of liability for said policies, practices and/or customs, the Seattle  
6 Police Department was the authorized policy makers on police matters, and their  
7 decisions, explicit and *de facto*, were and are binding on Defendant City of Seattle.  
8

9           69. The policy, practice and custom of approving, acquiescing in, condoning  
10 and/or ratifying the unreasonable seizure herein in violation of the Fourth Amendment  
11 rights of the Plaintiff was a deliberate choice by defendant City , by and through the  
12 Seattle Police Department.

13           70. The policy, practice and custom of approving, acquiescing in, condoning  
14 and/or ratifying the unreasonable force used herein in violation of the Fourth  
15 Amendment rights of the Plaintiff was a deliberate choice by defendant City of Seattle,  
16 by and through the Seattle Police Department.  
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18           71. Pursuant to the defendant's policy approving, acquiescing in, condoning and  
19 ratifying the unreasonable seizure herein in violation of the Fourth Amendment rights  
20 of the Plaintiff. No disciplinary action was taken by the Chief of Police against any  
21 individual involved in the seizure herein.  
22

23           72. Pursuant to the defendant's policy approving, acquiescing in, condoning and  
24 ratifying the unreasonable seizure herein in violation of the Fourth Amendment rights  
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1 of the Plaintiff. No disciplinary action was taken by the Chief of Police against any  
2 individual involved in the unreasonable force described herein.

3 73. These policies, practices and customs were maintained with deliberate,  
4 reckless and/or callous indifference to the constitutional rights of the plaintiffs as set  
5 forth hereinabove.

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7 74. The above-described policies, practices and customs of the Defendant City of  
8 Seattle proximately caused the deprivation of the Fourth Amendment rights of the  
9 plaintiff.

10 75. As a proximate result of the above-described policies, practices and customs  
11 of the Defendant City of Seattle, as a result of the plaintiff's Fourth Amendment rights,  
12 plaintiffs suffered personal injuries as set forth hereinabove.

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14 76. The Seattle Police Department is not sued in this action at this time.

15 SIXTH CAUSE OF ACTION:  
16 NEGLIGENCE

17 77. Plaintiff hereby incorporate and realleges as if fully set forth herein each and  
18 every allegation of paragraphs 1-76.

19 78. Defendants had a general affirmative duty toward the public, and had a  
20 special affirmative duty towards the plaintiff to refrain from causing injury to Rashel  
21 White, in accordance with the applicable standard of care defendants, and each of them,  
22 owed to the Plaintiff.

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24 79. As a direct, proximate and foreseeable result of the negligence of defendants,  
25 and each of them, plaintiff sustained personal injuries as described hereinabove.

81. The individuals are not sued in this cause of action.

83. The acts and omissions of the individual; defendants herein were motivated by evil motive or intent, involved reckless or callous indifference to the constitutional rights of the plaintiff as set forth hereinabove.

### JOINT AND SEVERAL LIABILITY

85. The City of Seattle is responsible for the fault of the individual defendants because the individual defendants were acting as agents or servants of the City of Seattle. The City of Seattle is liable for all damages awarded against the individual defendants, including punitive damages. RCW4.22.070 (1) (a).

86. WHEREFORE, plaintiff prays for relief as follows:

1                    Compensatory Damages: The defendants should be required to pay  
2                    compensatory damages in an amount to be proven at trial.

3                    Attorney's Fees: The defendants should be required to pay the Plaintiff's  
4                    reasonable attorney fees and cost pursuant to Title 42, United States Code §1988.  
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6                    Other Relief: The Court should grant the plaintiff such other further relief as  
7                    the Court deems just and equitable.

8                    DATED this 7<sup>th</sup> day of July 2011.

9                    Respectfully Submitted,

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11                    By: s/Howard L. Phillips  
12                    HOWARD L. PHILLIPS  
13                    WSBA # 17937  
14                    Attorney at Law  
15                    Attorney for Plaintiff Rashel S. White.